



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, April 12, 2010

Commissioner Joyce Avery, Chairman
Commissioner Sidney Chism, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner George Flinn
Commissioner J.W. Gibson II

Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Edith Ann Moore
Commissioner Steve Mulroy
Commissioner John Pellicciotti
Commissioner Mike Ritz

4/9/2010 11:06 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Joyce Avery

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Father Dr. Andrew MacBeth, Rector
Calvary Episcopal Church (District 2)

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

March 29, 2010

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution commending Mr. Robert Nations, Jr., Director of the Shelby County Office of Preparedness. Co-sponsored by Chairman Joyce Avery and Commissioner George Flinn.

Ordinances

CHISM

Chairman, Law
Enforcement
Committee

2. [ORDINANCE - FIRST READING - An ordinance to amend Chapter 7, Article XI, of the Code of Ordinances regarding police emergency alarm systems so as to reduce the number of allowable false alarms, include civil damages and add notification process of alarm users operating without a permit. Sponsored by Commissioner Mike Carpenter. \(AMENDED IN COMMITTEE 4/7/10\)](#)

MOORE

Vice-Chairman,
General Government
Committee

3. [ORDINANCE - FIRST READING - An ordinance to amend Shelby County Code of Ordinances, Chapter 20, Article V, to update regulations concerning the operation of bicycles. Sponsored by Commissioner Mike Carpenter.](#)

Reports and/or Resolutions for Standing Committees

RITZ

Vice-Chairman, Budget
and Finance
Committee

4. [A resolution approving a revised intergovernmental agreement with the City of Memphis for the collection of business tax licensing fees; and this item is a fee generating agreement. Sponsored by Commissioner Deidre Malone.](#)

MULROY

Vice-Chairman,
Hospitals and Health
Committee

5. [A resolution approving an amendment increasing the operating budget of the Memphis and Shelby County Health Department's FY2009-2010 Public Health Emergency Preparedness Program by the amount of \\$137,300.00 to a total amount of \\$1,229,050.00, an amendment to the FY2009-2010 position control budget and the appropriation of said funds. This item requires the expenditure of Federal thru State Grant funds in the amount of \\$137,300.00. Resolution sponsored by Commissioner Deidre Malone.](#)

CHISM

Chairman, Law
Enforcement
Committee

6. A resolution approving a contract and amending the Fiscal Year 2010 Operating Budget for the Office of Preparedness Hazardous Material Emergency Preparedness Grant in the amount of \$6,500.00 and the appropriation of said funds and this item requires the expenditures of pass through funds in the amount of \$6,500.00 under the U.S. Department of Homeland Security Grant Programs. Sponsored by Commissioner Sidney Chism.

MOORE

Vice-Chairman,
General Government
Committee

7. Resolution approving the election of notaries public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner George Flinn.

BROOKS

Chairman, Delinquent
Tax Property
Committee

8. Resolution approving the sale of fourteen (14) County owned delinquent tax parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 0103, 0201, 0203, 0304, 0402, 0403, 0502, 0503, and 0504, to identified purchasers at various prices collectively totaling \$65,000.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Henri Brooks.

R E G U L A R A G E N D A**Elections, Appointments, and Confirmations****MOORE**

Vice-Chairman,
General Government
Committee

9. Resolution approving the County Mayor's nomination of Cathy Simmons for reappointment to the Memphis and Shelby County Center City Parking Authority. Sponsored by Commissioner George Flinn. (DEFERRED TO 5/19/10)

MOORE

Vice-Chairman,
General Government
Committee

10. Resolution reappointing Commissioner Sidney Chism and Commissioner Mike Ritz to the Needs Assessment Committee. Sponsored by Chairman Joyce Avery.

Ordinances

RITZ

Chairman, Land Use
Committee

11. ORDINANCE – THIRD READING (AMENDED) – ZTA 09-002 CC -- a joint ordinance amending the Memphis and Shelby County Zoning Ordinance regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and by the Council of the City of Memphis on October 7, 1980, being Resolution and Ordinance No. 3064, as amended, so as to make certain changes therein as follows:

- (1) Amend Appendix A Zoning, Section 2 to define the term "Family Recreation Center(s)".
- (2) Amend Appendix A Zoning, Section 2 to define the term "Park(s)"
- (3) Amend Chart 1, Footnote 18, requiring adult entertainment uses to
 - be located a minimum distance of 1,500 feet from certain identified
 - uses, to add "Family Recreation Center(s)" as one of the identified
 - uses listed.

Sponsored by Commissioner Ritz
(Notice of public hearing published in the Daily News Friday, February 12, 2010)

Reports and/or Resolutions for Standing Committees

CARPENTER

Chairman, Public
Works Committee

12. Resolution approving the sale of 1.291 acres of improved real property located on the southwest side of Lamar Avenue, immediately east of Kyle Avenue, to Curtis Broome, Sr. for \$40,000.00. Sponsored by Commissioner Mike Carpenter. (DEFERRED TO 4/26/10)

MULROY

Vice-Chairman,
Hospitals and Health
Committee

13. A resolution approving an amendment to the FY2009-2010 operating budget of the Memphis and Shelby County Health Department's Healthy Start Initiative Grant Program reducing the budget by the amount of \$20,927.00 from \$729,413.00 to \$708,486.00, an amendment to the FY2009-2010 position control budget and the appropriation of said funds. This item requires the expenditure of Federal Grant funds in the amount of \$708,486.00. Resolution sponsored by Commissioner Deidre Malone.

CHISM

Chairman, Law
Enforcement
Committee

14. Resolution receiving and filing the report of the Judicial Commissioner Program as required by Tennessee Code Annotated, Section 40-1-111. Sponsored by Commissioner Sidney Chism. (DEFERRED TO 4/26/10)

CHISM

Chairman, Law
Enforcement
Committee

15. Resolution to approve a contract between General Sessions Criminal Court judges and West A Thompson Reuters Company for legal on-line research (Westlaw) in the amount of \$8,001.00 for the period October 1, 2009 through June 30, 2010, and the contract for October 1, 2009 through September 30, 2012. Sponsored by Commissioner George Flinn. (ADD-ON IN COMMITTEE AND SENT WITHOUT RECOMMENDATION 4/7/10)

MOORE

Chairman, Community
Services Committee

16. Resolution amending the FY 2010 Operating Budget in the amount of \$2,433,610.00 for receipt of a U. S. Department of Health and Human Services Grant totaling \$5,047,788.00 for the Ryan White Comprehensive AIDS Resources Emergency Act (CARE Act) to provide services for people living with HIV and AIDS for the period of March 1, 2010 to February 28, 2011; amending the Position Control Budget; and appropriating said funds. Resolution also approves service provider contracts for the purpose of administering HIV Emergency Relief Project Grant Funds for the period of March 1, 2010 – February 28, 2011. This item requires expenditure of Federal Grant Funds in the amount of \$2,433,610.00 in Fiscal Year 2010. Sponsored by Commissioner Edith Ann Moore. (AMENDED IN COMMITTEE 4/7/10)

RITZ

Chairman, Audit
Committee

17. Resolution to censure the Chancery Court Clerk, General Sessions Clerk, and Probate Court Clerk for failing to uphold the public trust when addressing the issues raised by Shelby County's outside audit firm. Sponsored by Commissioner John Pellicciotti. (FAILED IN COMMITTEE FOR LACK OF SECOND 4/7/10)

Announcements/Statements

18. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the appointment of Patricia R. Biggs as a retiree member to the Unified Personnel Policy Committee. Sponsored by Commissioner George Flinn.

Adjournment

19. Adjournment to Monday, April 26, 2010 at 1:30 p.m.